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January 27, 2012

VIA ECF

Honorable Roanne L. Mann
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Kosher Sports Inc. v. Queens Ballpark Company, LLC (No. 10-cv-2618)

Dear Judge Mann:

We represent defendant Queens Ballpark Company, LLC ("QBC") in connection with the above-referenced matter. We write to respectfully request a telephonic conference at the Court's earliest convenience to address the purported substitution of counsel by plaintiff Kosher Sports, Inc. ("KSI") and the upcoming dispositive motion deadline. On Tuesday, we were contacted by Messrs. Normand and Cyrulnik, of Boies, Schiller & Flexner LLP, informing us that they are substituting in as counsel for plaintiff Kosher Sports, Inc. ("KSI") in this matter. However, we note that, to date, no notices of appearance or substitutions of counsel have been filed with the Court.

As the Court is aware, pursuant to the Revised Scheduling Order, dated November 3, 2011 (*see* Dckt. 118) and the Order entered by Judge Weinstein on November 18, 2011 (*see* Dckt. #120), the deadline for the parties to file dispositive motions is Monday, January 30th, with such motions to be fully briefed by, and argued on, February 21, 2012. We have, in a good faith effort to confer with KSI's purported new counsel and to avoid burdening the Court with such matters, sought to negotiate a proposed briefing schedule for the dispositive motions, and have further requested that, as a matter of professional courtesy and fairness to both parties, Messrs. Normand and Cyrulnik inform us prior to the dispositive motion deadline (and, in no event, later than noon today) if they intend to seek an extension of any of the existing deadlines. We have not received any response to our request, despite the fact that Messrs. Normand and Cyrulnik have contacted us, purportedly on behalf of KSI, in connections with various other discovery matters.

We are prepared to move forward with filing dispositive motions on Monday, but hope to avoid any gamesmanship or prejudice resulting from the intentional delay of KSI's new counsel in appearing in this case until after QBC files its dispositive motions. We are, and always have been, willing to consider any reasonable proposal by KSI's new counsel as for an

H E R R I C K

Honorable Roanne L. Mann

January 27, 2012

Page 2

extension of the existing deadlines, but want to make sure that any such extension is fair to all parties.

Accordingly, we respectfully request a telephonic conference at the Court's earliest convenience to address these matters, and any other matters the Court should wish to address.

Respectfully submitted,
/s/ Avery S. Mehlman

cc: Ira Daniel Tokayer, Esq.
Edward J. Normand, Esq. (via email)
Jason C. Cyrulnik, Esq. (via email)